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RONALD F BALINGIT
6320 MEADOW HAVEN DR
AGOURA HILLS CA 91301

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DEC 08 2004

OFFICE OF PETITIONS

In re Application of :
Ronald F. Balingit :
Application No. 10/783,224 : DECISION GRANTING
Filed: February 20, 2004 : PETITION
Title: Smoke Collector for Diesel :
Engines :

This is a decision on the "Petition for Omitted Drawings", filed August 17, 2004, which is treated as a petition under 37 CFR 1.53(b), requesting that the application be accorded a filing date of February 20, 2004, with Figure 3 of the drawings as part of the original disclosure.

The petition is **GRANTED**.

The application was filed on February 20, 2004. However, on August 10, 2004, the Office of Initial Patent Examination mailed a "Notice to File Corrected Application Papers". The Notice stated that the application had been accorded a filing date, but instructed applicant to submit a substitute specification because the line spacing was not 1 ½ or double spaced. In addition, the Notice mentioned that Figure 3 of the drawings as described in the specification appeared to have been omitted.

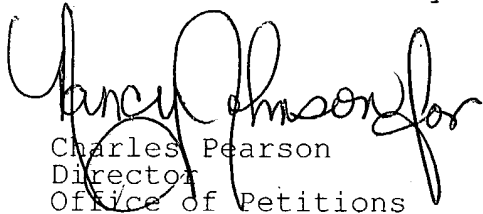
In response, on August 17, 2004, applicant filed a corrected specification in response to the Notice, together with the present petition. Applicant states that Figure 3 of the drawings was included with the application as filed on February 20, 2004. In support thereof, applicant has pointed the Office's attention to the transmittal letter filed with the application, transmitting two sheets of informal drawings. Applicant has also submitted a cash register receipt from the U.S. Postal Service.

Upon review of the record, the missing drawing sheet containing Figure 3 has been located among the application papers.

Given the basis for granting this petition, the petition fee will be refunded to petitioner under separate cover.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of February 20, 2004, using the application papers filed on that date, and for an indication in Office records that 2 drawing sheets were present on filing.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Cliff Congo at 571-272-3207.


Charles Pearson
Director
Office of Petitions